

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WAYMO LLC,
Plaintiff,
v.

UBER TECHNOLOGIES, INC., et al.,
Defendants.

Case No. [17-cv-00939-WHA](#) (JSC)

**ORDER GRANTING IN PART AND
DENYING IN PART
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

Re: Dkt. Nos. 1031, 1048, 1059, 1068, 1080,
1085, 1089, 1096, 1098, 1117

The parties in this action have sought to file voluminous information under seal, only a portion of which is properly sealable. This Order addresses the parties' Administrative Motions to File under Seal at Docket Nos. 1031, 1048, 1059, 1068, 1080, 1085, 1089, 1096, 1098, and 1117. After carefully considering the parties' submissions, the motions to seal are GRANTED in part and DENIED in part as set forth in the table below.

Civil Local Rule 79-5 requires that a party seeking sealing "establish[]" that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law" (i.e., is "sealable"). Civil L.R. 79-5(b). The sealing request must also "be narrowly tailored to seek sealing only of sealable material." *Id.* Any request for sealing must be supported by a declaration "establishing that the document sought to be filed under seal, or portions thereof, are sealable." Civil L.R. 79-5(d)(1)(A). If the party filing the motion is not the party who designated the material at issue as confidential, then the designating party has four days to file a declaration in support of sealing or the motion to seal will be denied. Civil L.R. 79-5(e).

Dkt. No.	Ruling
Dkt. No. 1031	Dkt. No. 1031-4 The Court GRANTS the motion to seal the highlighted portions of Dkt. Nos. 1031-4 because they reference Waymo's asserted trade secrets.
	Dkt. No. 1031-6 The Court GRANTS the motion to seal because they reference Waymo's confidential financial information.
	Dkt. No. 1031-8 The Court GRANTS the motion to seal because they reference Waymo's confidential financial information.
Dkt. No. 1048	Dkt. No. 1048-4 The Court DENIES the motion to seal the highlighted portions of Dkt. Nos. 1048-4 except as to Dkt. No. 1048-4 at 3 which is properly sealable because that portion contains Waymo's confidential projections and financial information.
	Dkt. No. 1048-7 The Court DENIES the motion to seal the highlighted portions of Dkt. Nos. 1048-7 except as to Dkt. No. 1048-7 at 3:19, which contains sensitive information regarding Waymo's strategy.
	Dkt. No. 1048-9 The Court DENIES the motion to seal the highlighted portions of Dkt. Nos. 1048-9 except as to Dkt. No. 1048-9 at 32:14, 16 and 152:22, which contain Waymo's confidential project names.
Dkt. No. 1059¹	Dkt. No. 1059-4 The Court DENIES the motion to seal Dkt. No. 1059-4 because the designating party has not submitted a declaration in support of Dkt. No. 1059 for this Exhibit. <i>See</i> Civil L.R. 79-5(e).
	Dkt. No. 1088-2 The Court GRANTS the motion to seal the highlighted portions of Dkt. Nos. 1088-2/1059-6 because they contain Uber's confidential projects and financial data except at 244, 245, and 247 because the designating party has not submitted a declaration in support sealing these portions of Exhibit 1. <i>See</i> Civil L.R. 79-5(e).
	Dkt. No. 1088-4 The Court GRANTS the motion to seal the highlighted portions Dkt. Nos. 1088-4/1059-8 because they reference Uber's non-public internal business communications.

¹ Docket No. 1059 was revised by Docket. No.1088. This order applies to both docket numbers as revised by Docket No. 1088.

	<p>Dkt. No. 1059-10 The Court DENIES the motion to seal Dkt. No. 1059-10 except as to UBER00109876 and UBER00109877 because they contain Uber's confidential business information.</p> <p>Dkt. No. 1059-12 The Court GRANTS the motion to seal Dkt. No. 1059-12 because it references Uber's internal business information.</p> <p>Dkt. No. 1059-13 The Court DENIES the motion to seal Dkt. No. 1059-13 because the designating party has not submitted a declaration in support of Dkt. No. 1059 for this Exhibit. <i>See</i> Civil L.R. 79-5(e).</p>
Dkt. No. 1068²	<p>Dkt. No. 1068-1 The Court DENIES the motion to seal the highlighted portions of Dkt. No. 1068-1 because they contain no confidential information.</p> <p>Dkt. No. 1114-2 The Court GRANTS in part and DENIES in part the motion to seal the highlighted portions of Dkt. No. 1114-2/1068-5. The motion is GRANTED as to (1) the dollar amounts at 15:11, 21; 16:15; 17:16,19; 18:13,16,19; 19:3, 10, 21; 20:5; (2) the percentages at 98:5,25, 23:12; and (3) all highlighted portions at 96:18-19, 24-25; 98:14-99:9; 101:1-3,13-15,19-23; 103:11-14, and 145:19-20 because they contain Uber's confidential valuation information and financial data. The Court also grants motion to seal highlighted portions at 26-55; 58-66; 70-85:22; 88:14-89:6; 93:14-25; 97:11-14; 113:24; 114-117:13; 132-141:2; 154:8-159; 199-203, and only as to the project names at 119:15; and 155-8 because they contain Uber's confidential projects, strategy, and bonus information. The motion to seal is otherwise DENIED because they contain no confidential information.</p> <p>Dkt. No. 1114-3 The Court DENIES the motion to seal the highlighted portions of Dkt. No. 1114-3/1068-7 because they contain no confidential information.</p> <p>Dkt. No. 1114-4 The Court DENIES the motion to seal the highlighted portions of Dkt. No. 1114-4/1068-9 because they contain information available to the public.</p> <p>Dkt. No. 1114-5 The Court DENIES the motion to seal the highlighted</p>

² Docket No. 1068 was revised by Docket. No.1114. This order applies to both docket numbers as revised by Docket No. 1114.

		portions of Dkt. Nos. 1114-5/1068-10 because the request is not narrowly tailored to include only confidential information. <i>See</i> Civil L.R. 79-5(b).
	Dkt. No. 1068-11	The Court DENIES the motion to seal Dkt. No. 1068-11 because the request is not narrowly tailored to include only confidential information. <i>See</i> Civil L.R. 79-5(b).
Dkt. No. 1080³	Dkt. No. 1080-4	The Court DENIES the motion to seal the highlighted portions of Dkt. No. 1080-4 because they contain no confidential information.
	Dkt. No. 1080-6	The Court DENIES the motion to seal the highlighted portions of Dkt. No. 1080-6 because they contain no confidential information.
	Dkt. No. 1105-2	The Court GRANTS the motion to seal the highlighted portions of Dkt. No. 1105-2/1080-8 because they refer to Waymo's confidential financial information.
	Dkt. No. 1105-4	The Court DENIES the motion to seal the highlighted portions of Dkt. No. 1105-4/1080-10 because they contain no confidential information.
	Dkt. No. 1105-6	The Court GRANTS the motion to seal the highlighted portions of Dkt. No. 1105-6/1080-12 because they refer to Waymo's confidential financial information.
	Dkt. No. 1105-8	The Court DENIES the motion to seal the highlighted portions of Dkt. No. 1105-8/1080-14 except as to Dkt. No. 1105-8 at 47:2-3, 9; 51:5-6, 8-9, 13-14; 252:15, 20, 253:7-8, and only as to the project name at 253:2 as it contains confidential valuation information and project names.
Dkt. No. 1085	Dkt. No. 1106-2	The Court DENIES the motion to seal the highlighted portions of Dkt. No. 1106-2/1085-5 except as to portions highlighted in yellow on at 3-4 because they contain confidential project names.
	Dkt. No. 1085-7	The Court DENIES the motion to seal the highlighted portions of Dkt. No. 1085-7 because the request is not

³ Docket No. 1080 was revised by Docket. No.1105. This order applies to both docket numbers as revised by Docket No. 1105.

		narrowly tailored to include only confidential information. <i>See</i> Civil L.R. 79-5(b).
	Dkt. No. 1085-9	The Court DENIES the motion to seal the highlighted portions of Dkt. No. 1085-9 because the request is not narrowly tailored to include only confidential information. <i>See</i> Civil L.R. 79-5(b).
	Dkt. Nos. 1085-11/1134-2	The Court GRANTS the motion to seal the highlighted portions of Dkt. No. 1085-11 as revised by Dkt. No. 1134-2 because are narrowly tailored and only exclude executive e-mail addresses.
	Dkt. No. 1085-13	The Court GRANTS the motion to seal Dkt. No. 1085-13 because it contains confidential non-public information.
	Dkt. No. 1085-15	The Court GRANTS the motion to seal Dkt. No. 1085-15 at 4-8 because the agreement is not public and contains confidential information. The request to seal is otherwise DENIED.
	Dkt. No. 1085-17	The Court GRANTS the motion to seal the highlighted portions of Dkt. No. 1085-17 because they contain third party confidential information.
	Dkt. No. 1085-19	The Court DENIES the motion to seal Dkt. No. 1085-19 because it contains no confidential information.
	Dkt. No. 1085-21	The Court DENIES the motion to seal Dkt. No. 1085-21 because it contains no confidential information.
	Dkt. No. 1085-23	The Court GRANTS the motion to seal Dkt. No. 1085-23 because it contains confidential product information.
	Dkt. No. 1085-24	The Court GRANTS the motion to seal Dkt. No. 1085-24 because it contains confidential third party information.
Dkt. No. 1089	Dkt. No. 1089-4	The Court DENIES the motion to seal Dkt. No. 1089-4 because it contains no confidential information.
	Dkt. No. 1089-6	The Court GRANTS the motion to seal Dkt. No. 1089-6 because it contains Waymo's confidential bonus program.
	Dkt. No. 1089-8	The Court GRANTS the motion to seal Dkt. No. 1089-8 because it contains Waymo's information about valuation.

	<p>Dkt. No. 1089-10 The Court DENIES the motion to seal Dkt. No. 1089-10 because the information is publically available.</p> <p>Dkt. No. 1089-12 The Court GRANTS the motion to seal Dkt. No. 1089-12 because it contains Waymo's internal financial data.</p> <p>Dkt. No. 1089-14 The Court GRANTS the motion to seal Dkt. No. 1089-14 because it contains Waymo's internal financial data.</p> <p>Dkt. No. 1089-16 The Court GRANTS the motion to seal Dkt. No. 1089-16 because it contains Uber's confidential product information.</p>
Dkt. No. 1096⁴	<p>Dkt. No. 1168-2 The Court GRANTS the motion to seal the highlighted portions of Dkt. No. 1168-2/1096-4 because they are narrowly tailored and only include confidential project names.</p> <p>Dkt. No. 1101-1 The Court DENIES the motion to seal Dkt. No. 1101-1/1096-5 except as to UBER00109876 and UBER00109877 because it contains Uber's confidential business information.</p> <p>Dkt. No. 1096-6 The Court DENIES the motion to seal Dkt. No. 1096-6 because the designating party has not submitted a declaration in support of Dkt. No. 1096 for this Exhibit. <i>See</i> Civil L.R. 79-5(e).</p> <p>Dkt. No. 1168-4 The Court DENIES the motion to seal as it does not seek sealing of confidential business information.</p> <p>Dkt. No. 1096-8 The Court DENIES the motion to seal Dkt. No. 1096-8 because the designating party has not submitted a declaration in support of Dkt. No. 1096 for this Exhibit. <i>See</i> Civil L.R. 79-5(e).</p> <p>Dkt. No. 1168-6 The Court GRANTS the motion to seal the highlighted portions of Dkt. No. 1168-6/1096-9 they area narrowly tailored and only exclude Uber's confidential business information.</p>

⁴ Docket No. 1096 was revised by Docket. No.1168. This order applies to both docket numbers as revised by Docket No. 1168.

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	Dkt. No. 1096-10	The Court GRANTS the motion to seal Dkt. No. 1096-10 because it is a highly confidential letter among Uber executives.
	Dkt. No. 1168-8	The Court GRANTS the motion to seal highlighted portions of Dkt. No. 1168-8/1096-11 because they contain email addresses of Uber employees.
	Dkt. No. 1096-13	The Court DENIES the motion to seal Dkt. No. 1096-13 because the designating party has not submitted a declaration in support of Dkt. No. 1096 for this Exhibit. <i>See</i> Civil L.R. 79-5(e).
Dkt. No. 1098	Dkt. No. 1098-2	The Court GRANTS the motion to seal Dkt. No. 1098-2 because it contains Waymo's confidential business information and project names.
	Dkt. No. 1098-4	The Court DENIES the motion to seal Dkt. No. 1098-4 because the request is not narrowly tailored to include only confidential information. <i>See</i> Civil L.R. 79-5(b).
	Dkt. No. 1098-6	The Court GRANTS the motion to seal Dkt. No. 1098-6 because it contains Waymo's confidential business information and project names.
	Dkt. No. 1098-8	The Court GRANTS the motion to seal Dkt. No. 1098-8 because it contains Waymo's confidential business information and project names.
	Dkt. No. 1098-10	The Court GRANTS the motion to seal Dkt. No. 1098-10 because it contains Waymo's confidential business information and project names.
	Dkt. No. 1098-12	The Court GRANTS the motion to seal Dkt. No. 1098-12 because it contains Waymo's confidential business information and project names.
	Dkt. No. 1098-14	The Court GRANTS the motion to seal Dkt. No. 1098-14 because it contains Waymo's confidential business information and project names.
	Dkt. No. 1098-16	The Court GRANTS the motion to seal highlighted portions of Dkt. No. 1098-16 because the request is narrowly tailored to only exclude Uber's confidential projects.

	<p>Dkt. No. 1098-18 The Court DENIES the motion to seal Dkt. No. 1098-18 because the designating party has not submitted a declaration in support of Dkt. No. 1098 for this Exhibit. <i>See</i> Civil L.R. 79-5(e).</p> <p>Dkt. No. 1167-2 The Court GRANTS the motion to seal highlighted portions of Dkt. No. 1167-2/1098-20 because the request is narrowly tailored to only exclude Uber's confidential business information.</p>
Dkt. No. 1117⁵	<p>Dkt. No. 1169-2 The Court DENIES the motion to seal highlighted portions of Dkt. No 1169-2/1117-4 except as to the footnote 1 because it contains Waymo's confidential business information.</p> <p>Dkt. No. 1117-6 The Court DENIES the motion to seal Dkt. No. 1117-6 because the designating party has not submitted a declaration in support of Dkt. No. 1117 for this Exhibit. <i>See</i> Civil L.R. 79-5(e).</p> <p>Dkt. No. 1169-4 The Court GRANTS the motion to seal the highlighted portions of Dkt. No. 1169-4/1117-8 because they contain confidential business information.</p> <p>Dkt. No. 1117-9 The Court DENIES the motion to seal Dkt. No. 1117-9 because the designating party has not submitted a declaration in support of Dkt. No. 1117 for this Exhibit. <i>See</i> Civil L.R. 79-5(e).</p> <p>Dkt. No. 1117-10 The Court DENIES the motion to seal Dkt. No. 1117-10 because the designating party has not submitted a declaration in support of Dkt. No. 1117 for this Exhibit. <i>See</i> Civil L.R. 79-5(e).</p> <p>Dkt. No. 1169-6 The Court GRANTS the motion to seal highlighted portions of Dkt. No. 1169-6/1117-11 because it is narrowly tailored and only excludes passwords and phone numbers.</p> <p>Dkt. No. 1169-8 The Court GRANTS the motion to seal highlighted portions of Dkt. No. 1169-8/1117-12 because it is narrowly tailored and only excludes names and phone</p>

⁵ Docket No. 1117 was revised by Docket. No.1169. This order applies to both docket numbers as revised by Docket No. 1169.

numbers.

Dkt. 1117-14

The Court DENIES the motion to seal Dkt. No. 1117-14 because the designating party has not submitted a declaration in support of Dkt. No. 1117 for this Exhibit. *See* Civil L.R. 79-5(e).

Dkt. No. 1169-10

The Court GRANTS the motion to seal highlighted portions of Dkt. No. 1169-10/1117-15 because it is narrowly tailored and only excludes phone numbers.

Dkt. No. 1169-12

The Court GRANTS the motion to seal highlighted portions of Dkt. No. 1169-12/1117-16 because it is narrowly tailored and only excludes phone numbers.

Dkt. No. 1169-14

The Court GRANTS the motion to seal highlighted portions of Dkt. No. 1169-14/1117-17 because it is narrowly tailored and only excludes phone numbers.

Dkt. No. 1169-16

The Court GRANTS the motion to seal highlighted portions of Dkt. No. 1169-16/1117-18 because it is narrowly tailored and only internal commentary and phone numbers.

This Order disposes of Docket Nos. 1031, 1048, 1059, 1068, 1080, 1085, 1089, 1096, 1098, and 1117.

IT IS SO ORDERED.

Dated: December 14, 2017


 JACQUELINE SCOTT CORLEY
 United States Magistrate Judge